IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 34327 of 2007(J)

PETITIONER:

SHAREEN HAFEES, W/O.ABDUL HAFEES,
AGED 47 YEARS, SHALIMAR HOUSE, TC/31/555,
VELLAYAMBALAM, THIRUVANANTHAPURAM-695 010,
(REPRESENTED BY HER POWER OF ATTORNEY HOLDER
ASEEF SATHAR, S/O.ABDUL SATHAR, AGED 35 YEARS,
PUTHANPARAMBIL(H),KALAPPATTU LANE,EDAPPILLY,KOCHI.

BY ADV. SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN

RESPONDENTS:

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1. THE STATE OF KERALA, REP. BY THE
SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SECRETARY, NORKA, DEPARTMENT
OF HOME AFFAIRS, SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM.

4. THE SECRETARY, KALLIYOOR GRAMA
PANCHAYAT, KALLIYOOR, THIRUVANANTHAPURAM.

5. THE VILLAGE OFFICER,
KALLIYOOR VILLAGE, THIRUVANANTHAPURAM.

6. ANIL KUMAR, S/O.PANKAJAKSHAN,
AYITIKUZHI HOUSE, AGC VELLAYINI P.O.,
THIRUVANANTHAPURAM, PIN-695 001.

BY G.P. SRI.K.J.MUHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.C 34327 OF 2007

Dated this the 21tST day of November, 2007

JUDGMENT

I do not propose to go into the merits of the grounds raised. The petitioner was served with Ext.P8 order. According to the petitioner, Ext.P8 is in violation of the order passed by the Revenue Divisional Officer as Ext.P7. Since Ext.P7 order of the RDO has become final, it was not proper on the part of the Panchayat Secretary to have issued Ext.P8 stop memo which absolutely relies on the report by the Village Officer. But as could be discerned from Ext.P8, it is only a show cause notice. Ext.P8, invites explanation from the petitioner and the petitioner has already submitted Ext.P9 explanation in response to Ext.P8.

The Writ petition will stand disposed of directing the 4th respondent to hear the petitioner on Ext.P9 explanation and then only finalise the action which is proposed as per Ext.P8. Decision as directed above shall be taken by the 4th respondent at the earliest and at any rate within one month of receiving a copy of this judgment. If the petitioner is desirous of a hearing opportunity, it is open to the petitioner to make request in that regard before the 4th respondent., in which case the same will be granted.

(PIUS C.KURIAKOSE, JUDGE)

dpk